

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Paul Smith,)	Civil Action No. 5:15-1317-RMG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Andy Strickland and Jodie Taylor)	
)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (Dkt. No. 69) recommending that this Court dismiss with prejudice this action for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Court hereby adopts the Report and Recommendation and dismisses the action with prejudice.

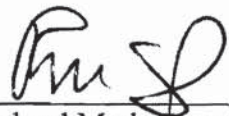
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

On March 23, 2015, Plaintiff filed a *pro se* complaint seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff makes various allegations regarding conditions at the Colleton County Detention Center. 21, 2015. Defendants moved for summary judgment on October 8, 2015. (Dkt. No. 55.) Plaintiff has filed nothing since June 22, 2015. Plaintiff has not responded to Defendants’ motion for summary judgment, which per the first *Roseboro* order was due on November 12, 2015. (Dkt.

No. 56.) In fact, all mail from the Court addressed to Defendant at the Colleton County Detention Center has been returned as undeliverable since August 21, 2015. (*E.g.*, Dkt. No. 50.) Defendant did not provide the Court with an updated address. The Clerk of Court's staff determined that Plaintiff is no longer at Colleton County Detention Center (Dkt. No. 61), and that Plaintiff is now housed at MacDougall Correctional Institution, in Ridgeville, South Carolina (Dkt. No. 62). The Magistrate Judge then issued a new *Roseboro* order, giving Plaintiff until December 3, 2015 to oppose summary judgment. (Dkt. No. 63.) That order was sent Plaintiff at his current address. He did not respond. The Magistrate Judge set a new deadline of January 8, 2016. Plaintiff did not respond. (Dkt. No. 65.) The Magistrate Judge issued a Report and Recommendation recommending dismissal with prejudice for want of prosecution. (Dkt. No. 69.) Plaintiff filed no objections.

For the foregoing reasons, the Court **ADOPTS** the Report and Recommendation (Dkt. No. 69) as the Order of this Court and **DISMISSES WITH PREJUDICE** the Complaint.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

February 11, 2016
Charleston, South Carolina